

CHAPTER 646

S.B. No. 1009

AN ACT

relating to requiring public institutions of higher education to notify the federal Student and Exchange Visitor Information System (SEVIS) regarding the withdrawal or nonattendance of certain foreign students.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subchapter Z, Chapter 51, Education Code, is amended by adding Section 51.9091 to read as follows:

Sec. 51.9091. REQUIRED NOTIFICATION OF FEDERAL STUDENT AND EXCHANGE VISITOR INFORMATION SYSTEM (SEVIS) REGARDING WITHDRAWAL OR NONATTENDANCE OF CERTAIN FOREIGN STUDENTS. A public institution of higher education that is certified by the United States secretary of homeland security to enroll a foreign student admitted into the United States under a nonimmigrant F or M visa shall promptly notify the federal Student and Exchange Visitor Information System (SEVIS) or a successor program if:

(1) a student enrolled under an F or M visa withdraws from the institution or withdraws from all courses in which the student is enrolled; or

(2) the institution dismisses a student enrolled under an F or M visa for nonattendance or takes any other official administrative action in regard to the student as a result of the student's nonattendance.

SECTION 2. This Act takes effect September 1, 2011.

Passed the Senate on April 7, 2011: Yeas 31, Nays 0; passed the House on May 25, 2011: Yeas 133, Nays 13, one present not voting.

Approved June 17, 2011.

Effective September 1, 2011.

CHAPTER 647

S.B. No. 1026

AN ACT

relating to the powers and duties of an attorney ad litem appointed for a parent or an alleged father in certain suits affecting the parent-child relationship.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Part 1, Subchapter B, Chapter 107, Family Code, is amended by adding Sections 107.0131, 107.0132, and 107.0133 to read as follows:

Sec. 107.0131. POWERS AND DUTIES OF ATTORNEY AD LITEM FOR PARENT. (a) An attorney ad litem appointed under Section 107.013 to represent the interests of a parent:

(1) shall:

(A) subject to Rules 4.02, 4.03, and 4.04, Texas Disciplinary Rules of Professional Conduct, and within a reasonable time after the appointment, interview:

(i) the parent, unless the parent's location is unknown;

(ii) each person who has significant knowledge of the case; and

(iii) the parties to the suit;

(B) investigate the facts of the case;

(C) to ensure competent representation at hearings, mediations, pretrial matters, and the trial on the merits:

- (i) obtain and review copies of all court files in the suit during the attorney ad litem's course of representation; and*
- (ii) when necessary, conduct formal discovery under the Texas Rules of Civil Procedure or the discovery control plan;*
- (D) take any action consistent with the parent's interests that the attorney ad litem considers necessary to expedite the proceedings;*
- (E) encourage settlement and the use of alternative forms of dispute resolution;*
- (F) review and sign, or decline to sign, a proposed or agreed order affecting the parent;*
- (G) meet before each court hearing with the parent, unless the court:*
 - (i) finds at that hearing that the attorney ad litem has shown good cause why the attorney ad litem's compliance is not feasible; or*
 - (ii) on a showing of good cause, authorizes the attorney ad litem to comply by conferring with the parent, as appropriate, by telephone or video conference;*
- (H) become familiar with the American Bar Association's standards of practice for attorneys who represent parents in abuse and neglect cases;*
- (I) complete at least three hours of continuing legal education relating to child protection law as described by Subsection (b) as soon as practicable after the attorney ad litem is appointed, unless the court finds that the attorney ad litem has experience equivalent to that education; and*
- (J) abide by the parent's objectives of representation;*
- (2) must be trained in child protection law or have experience determined by the court to be equivalent to that training; and*
- (3) is entitled to:*
 - (A) request clarification from the court if the role of the attorney ad litem is ambiguous;*
 - (B) request a hearing or trial on the merits;*
 - (C) consent or refuse to consent to an interview of the parent by another attorney;*
 - (D) receive a copy of each pleading or other paper filed with the court;*
 - (E) receive notice of each hearing in the suit;*
 - (F) participate in any case staffing conducted by the Department of Family and Protective Services in which the parent is invited to participate, including, as appropriate, a case staffing to develop a family plan of service, a family group conference, a permanency conference, a mediation, a case staffing to plan for the discharge and return of the child to the parent, and any other case staffing that the department determines would be appropriate for the parent to attend, but excluding any internal department staffing or staffing between the department and the department's legal representative; and*
 - (G) attend all legal proceedings in the suit.*

(b) The continuing legal education required by Subsection (a)(1)(I) must:

- (1) be low-cost and available to persons throughout this state, including on the Internet provided through the State Bar of Texas; and*
- (2) focus on the duties of an attorney ad litem in, and the procedures of and best practices for, a proceeding under Chapter 262 or 263.*

Sec. 107.0132. POWERS AND DUTIES OF ATTORNEY AD LITEM FOR ALLEGED FATHER. *(a) An attorney ad litem appointed under Section 107.013 to represent the interests of an alleged father shall:*

- (1) conduct an investigation regarding the petitioner's due diligence in locating the alleged father, including by verifying that the petitioner has obtained a certificate of the results of a search of the paternity registry under Chapter 160;*

(2) interview any party or other person who has significant knowledge of the case who may have information relating to the identity or location of the alleged father; and

(3) conduct an independent investigation to identify or locate the alleged father, as applicable.

(b) If the attorney ad litem identifies and locates the alleged father, the attorney ad litem shall:

(1) provide to each party and the court the alleged father's name and address and any other locating information; and

(2) if appropriate, request the court's approval for the attorney ad litem to assist the alleged father in establishing paternity.

(c) If the alleged father is adjudicated to be a parent of the child and is determined by the court to be indigent, the court may appoint the attorney ad litem to continue to represent the father's interests as a parent under Section 107.013(a)(1) or (c).

(d) If the attorney ad litem is unable to identify or locate the alleged father, the attorney ad litem shall submit to the court a written summary of the attorney ad litem's efforts to identify or locate the alleged father with a statement that the attorney ad litem was unable to identify or locate the alleged father.

Sec. 107.0133. **DISCIPLINE OF ATTORNEY AD LITEM FOR PARENT OR ALLEGED FATHER.** An attorney ad litem appointed for a parent or an alleged father who fails to perform the duties required by Section 107.0131 or 107.0132, as applicable, is subject to disciplinary action under Subchapter E, Chapter 81, Government Code.

SECTION 2. Sections 107.0131, 107.0132, and 107.0133, Family Code, as added by this Act, apply only to an attorney ad litem in a suit affecting the parent-child relationship appointed on or after the effective date of this Act. An attorney ad litem appointed before that date is governed by the law in effect on the date the attorney ad litem was appointed, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2011.

Passed the Senate on April 21, 2011: Yeas 31, Nays 0; the Senate concurred in House amendment on May 25, 2011: Yeas 31, Nays 0; passed the House, with amendment, on May 23, 2011: Yeas 142, Nays 0, one present not voting.

Approved June 17, 2011.

Effective September 1, 2011.

CHAPTER 648

S.B. No. 1030

AN ACT

relating to notice by sign requirement for sexually oriented businesses.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subsection (a), Section 243.0075, Local Government Code, is amended to read as follows:

(a) An applicant for a license or permit issued under Section 243.007 for a location not currently [~~previously~~] licensed or permitted shall, not later than the 60th day before the date the application is filed, prominently post an outdoor sign at the location stating that a sexually oriented business is intended to be located on the premises and providing the name and business address of the applicant.

SECTION 2. The change in law made by this Act applies only to an application for a license or permit filed on or after September 1, 2011.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If